



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

MARTHA JANE SMITH,
Plaintiff,

vs.

GREENVILLE COUNTY SCHOOL
DISTRICT,
Defendant.

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CIVIL ACTION NO. 06:10-02211-HFF-BHH

ORDER

This case was filed as an action under the Americans with Disabilities Act. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the Court dismiss the action without prejudice and without issuance and service of process for lack of subject matter jurisdiction and failure to state a claim on which relief may be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 31, 2010, and the Clerk of Court entered Plaintiff's objections to the Report on September 7, 2010.

Plaintiff's objection appears to assert that she was wrongfully fired. She contends that, contrary to Defendant's reason for firing her, she did a "good job while working for [Defendant]." She also states that she believes she was fired because of her "civil right[s]." Finally, she makes mention of the Americans with Disabilities Act, noting that she is "aware that [she] was replace[d] by a disabled white man."

The Court declines to conduct a de novo review of the record and will adopt the Report in its entirety. The United States Court of Appeals for the Fourth Circuit has noted that a district court may dispense with de novo review of the record "when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Plaintiff fails even to reference the Magistrate Judge's Report in her objection, much less assert any error in it. At the very best, Plaintiff's objection could be treated as a general objection, which does not call for de novo review. Without any allegation of error in the Magistrate Judge's Report, the Court is of the opinion that it is unnecessary to expound upon it. Suffice it to say that the Court agrees with the recommendations of the Magistrate Judge and will adopt the Report.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that the action be **DISMISSED** *without prejudice* and without issuance and service of process for lack of subject matter jurisdiction and failure to state a claim on which relief may be granted.

IT IS SO ORDERED.

Signed this 27th day of September, 2010, in Spartanburg, South Carolina.

s/ Henry F. Floyd _____
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within 30 days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.